

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA

MARVIN M. WINTERS,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>20-CV-447-KEW</u>
)	Muskogee Cty. Case No. CJ-2020-327
CDN LOGISTICS, INC., and)	
WANDA SUE DAVIS,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants CDN Logistics, Inc. and Wanda Sue Davis notify the Court and all involved parties of removal of this action from the Oklahoma District Court of Muskogee County to the United States District Court for the Eastern District of Oklahoma. Removal of this action is authorized by 28 U.S.C. §§ 1332, 1441, and 1446. In support of their Notice of Removal, Defendants state and allege the following:

1. The action styled *Marvin M. Winters, Plaintiff, v. CDN Logistics, Inc., Wanda Sue Davis, Great West Casualty Company, Defendants*. Case No. CJ-2019-471, commenced on December 20, 2019 in Muskogee County District Court. On January 2, 2020, Winters dismissed this action without prejudice.
2. The action styled *Marvin M. Winters, Plaintiff, v. CDN Logistics, Inc., and Wanda Sue Davis, Defendants*. Case No. CJ-2020-327, commenced on October 19, 2020 in Muskogee County District Court.

3. On November 14, 2020, Winters served Davis with process. On November 30, 2020, Winters served CDN with process.
4. In accordance with 28 U.S.C. § 1446(b), Defendants are removing this action within 30 days of being served with process.
5. 28 U.S.C. § 1332 authorizes the Court to exercise original jurisdiction over this case because the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the parties are citizens of different states.
6. Winters's Petition states that he seeks damages exceeding \$75,000.00.
7. Plaintiff Marvin M. Winters is domiciled in Oklahoma.
8. Defendant CDN Logistics, Inc. is an Illinois corporation with its principal place of business in Illinois.
9. Defendant Wanda Sue Davis is domiciled in the state of Georgia.
10. Complete diversity of citizenship exists because Winters is a citizen of Oklahoma and Defendants are citizens of Georgia and Illinois.
11. Because the Court has original jurisdiction, 28 U.S.C. § 1441(a) permits removal of this case to federal court.
12. Copies of all process, pleadings, and orders are attached:

Case No. CJ-2019-471

Ex. 1 OSCN Docket Summary (Dec. 3, 2020)

Ex. 2 Petition (Dec. 20, 2019)

Ex. 3 Dismissal Without Prejudice (Jan. 2, 2020)

Case No. CJ-2020-327

Ex. 4 OSCN Docket Summary (Dec. 3, 2020).

Ex. 5 Petition (Oct. 19, 2020).

Ex. 6 Summons issued to Wanda Sue Davis (Nov. 6, 2020).

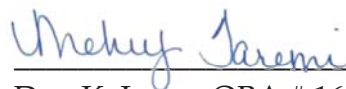
Ex. 7 Summons issued to CDN Logistics, Inc. (Nov. 6, 2020).

Ex. 8 Return of service for Defendant Wanda Sue Davis (Nov. 25, 2020).

13. In compliance with 28 U.S.C. § 1446(d), Defendants will serve Winters with written notification of this Notice of Removal and will file a copy with the Court Clerk of Muskogee County, Oklahoma.

Because the Court has the authority to exercise original jurisdiction, Defendants request removal of this action to federal court.

Respectfully submitted,



Dan K. Jones, OBA # 16940

C.B. Moore, OBA # 31653

Mehry Taremi, OBA # 31726

MILLS & JONES, PLLC

2760 Washington Drive, Suite 100

Norman, Oklahoma 73069

(405) 239-2501-t (405) 239-2575-f

dan@millsfirm.com

cb@millsfirm.com

mehry@millsfirm.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on December __, 2020 a true and correct copy of Defendants' Notice of Removal was sent via

- ☒ Email
- ☒ ECF System
- ☐ Faxed
- ☐ USPS, First Class
- ☐ USPS, Certified, Return Receipt Requested
- ☒ USPS, Certified, Return Receipt (Electronic)
- ☐ USPS, Certified, Restricted Delivery

to the following:

Ken Ray Underwood, Esq.
The Beacon Building
406 S. Boulder Avenue, Suite 640
Tulsa, Oklahoma 74103
(918) 582-0166-f
ken@ulawok.com

-and-

Greg LaFevers, Esq.
Bridgeport II
6440 S. Lewis Avenue, Suite 100
Tulsa, Oklahoma 74136
(918) 518-1441-f
greg@lafevers.net
Attorneys for Plaintiff

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